

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

STATE OF VERMONT,

Plaintiff,

v.

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION, ROYAL
DUTCH SHELL PLC, SHELL OIL COMPANY,
SHELL OIL PRODUCTS COMPANY LLC,
MOTIVA ENTERPRISES LLC, SUNOCO LP,
SUNOCO LLC, ETC SUNOCO HOLDINGS LLC,
ENERGY TRANSFER (R&M) LLC, ENERGY
TRANSFER LP, and CITGO PETROLEUM
CORPORATION,

Defendants.

Case No. 2:21-cv-260-wks

Date: March 22, 2022

NOTICE

Defendants write to inform the Court of recent developments in a related case, *Connecticut v. Exxon Mobil Corp.*, No. 21-1446 (2d Cir.).¹

In *Connecticut*, the Second Circuit will decide whether a substantially similar action—asserted by an Attorney General against one of the Defendants here—was properly removed to federal court. Both the Plaintiff's claims and the grounds for removal in *Connecticut* overlap with those asserted here. For instance, in both cases, the first ground for removal is that federal law necessarily governs claims that functionally seek to regulate interstate and international emissions, even when those claims are nominally pleaded under state consumer-protection laws.²

¹ This notice is submitted subject to and without waiver of any defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

² See Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Remand, *Vermont v. Exxon Mobil Corp.*, No. 2:21-cv-260 (D. Vt. Feb. 18, 2022), ECF No. 51 at 48–49.

Oral argument in *Connecticut* has been set for the week of May 23, 2022, and the parties are available from May 23 through May 25 of that week. *See Connecticut*, Dkt. Nos. 131-132 (Mar. 7 & 10, 2022). Defendants will keep the Court apprised of further developments in the related *Connecticut* case.

DATED: March 22, 2022

Respectfully Submitted,

/s/ Ritchie E. Berger

Ritchie E. Berger

Ritchie E. Berger

DINSE P.C.

209 Battery Street, P.O. Box 988

Burlington, VT 05401

Tel.: (802) 864-5751

Fax: (802) 862-6409

Email: rberger@dinse.com

Theodore V. Wells, Jr. (*pro hac vice*)

Daniel J. Toal (*pro hac vice*)

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

1285 Avenue of the Americas

New York, NY 10019-6064

Tel.: (212) 373-3089

Fax: (212) 492-0089

Email: twells@paulweiss.com

Email: dtoal@paulweiss.com

Justin Anderson (*pro hac vice*)

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

2001 K Street, NW

Washington, DC 20006-1047

Tel.: (202) 223-7300

Fax: (212) 223-7420

Email: janderson@paulweiss.com

Patrick J. Conlon (*pro hac vice*)

Exxon Mobil Corporation

22777 Springwoods Village Parkway

Spring, TX 77389

Tel.: (832) 624-6336

patrick.j.conlon@exxonmobil.com

*Counsel for Defendants Exxon Mobil
Corp. & ExxonMobil Oil Corp.*

/s/ Matthew B. Byrne

Matthew B. Byrne

Matthew B. Byrne

GRAVEL & SHEA

76 St. Paul Street, 7th Floor

Burlington, VT 05401

Tel.: (802) 658-0220

Fax: (802) 658-1456

Email: mbyrne@gravelshea.com

David C. Frederick (*pro hac vice*)

James M. Webster, III (*pro hac vice*)

Daniel S. Severson (*pro hac vice*)

Grace W. Knofczynski (*pro hac vice*)

KELLOGG, HANSEN, TODD,

FIGEL & FREDERICK, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

Tel.: (202) 326-7900

Fax: (202) 326-7999

Email: dfrederick@kellogghansen.com

Email: jwebster@kellogghansen.com

Email: dseverson@kellogghansen.com

Email: gknofczynski@kellogghansen.com

Counsel for Defendants Shell plc (f/k/a Royal Dutch Shell plc), Shell USA, Inc. (Shell Oil Company), and Shell Oil Products Company LLC

/s/ Matthew B. Byrne

Matthew B. Byrne

Matthew B. Byrne

GRAVEL & SHEA

76 St. Paul Street, 7th Floor

Burlington, VT 05401

Tel.: (802) 658-0220

Fax: (802) 658-1456

Email: mbyrne@gravelshea.com

Tracie J. Renfroe (*pro hac vice*)

Oliver P. Thoma (*pro hac vice*)

KING & SPALDING LLP

1100 Louisiana Street, Suite 4100

Houston, TX 77002

Tel.: (713) 751-3200

Fax: (713) 751-3290

Email: trenfroe@kslaw.com

Email: othoma@kslaw.com

*Counsel for Defendant Motiva Enterprises
LLC*

/s/ Timothy C. Doherty, Jr.

Timothy C. Doherty, Jr.

Timothy C. Doherty, Jr.

Walter E. Judge

DOWNS RACHLIN MARTIN PLLC

Courthouse Plaza

199 Main Street

Burlington, VT 05401

Tel.: (802) 863-2375

Fax: (802) 862-7512

Email: tdoherty@drm.com

Email: wjudge@drm.com

J. Scott Janoe (*pro hac vice*)

BAKER BOTTS LLP

910 Louisiana Street

Houston, TX 77002

Tel.: (713) 229-1553

Fax: (713) 229-7953

Email: scott.janoe@bakerbotts.com

Megan H. Berge (*pro hac vice*)

Sterling A. Marchand (*pro hac vice*)

BAKER BOTTS LLP

700 K Street N.W.,

Washington, D.C. 20001

Tel.: (202) 639-7700

Fax: (202) 639-7890

Email: megan.berge@bakerbotts.com

Email: sterling.marchand@bakerbotts.com

*Counsel for Defendants Sunoco LP,
Sunoco, LLC, ETC Sunoco Holdings LLC,
Energy Transfer (R&M), LLC, Energy
Transfer LP*

/s/ Pietro J. Lynn

Pietro J. Lynn

Pietro J. Lynn

LYNN, LYNN, BLACKMAN &

MANITSKY, P.C.

76 St. Paul Street, Suite 400

Burlington, VT 05401

Tel.: (802) 860-1500

Fax: (802) 860-1580

Email: plynn@lynnlawvt.com

Robert E. Dunn (*pro hac vice*)

EIMER STAHL LLP

99 S. Almaden Boulevard, Suite 642

San Jose, CA 95113

Tel.: (408) 889-1690

Fax: (312) 692-1718

Email: rdunn@eimerstahl.com

Nathan P. Eimer (*pro hac vice*)

Pamela R. Hanebutt (*pro hac vice*)

Lisa S. Meyer (*pro hac vice*)

EIMER STAHL LLP

224 South Michigan Avenue, Suite 1100

Chicago, IL 60604

Tel.: (312) 660-7600

Fax: (312) 692-1718

Email: neimer@eimerstahl.com

Email: phanebutt@eimerstahl.com

Email: lmeyer@eimerstahl.com

Counsel for Defendant

CITGO Petroleum Corp.